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10/603,244	06/24/2003	Junichi Ujii	848075/0048	5659

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EXAMINER

LU, ZHIYU

ART UNIT PAPER NUMBER

2618

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,244	Applicant(s) UJII, JUNICHI	
	Examiner Zhiyu Lu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 08/09/2006 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant has argued that Homma fails to disclose “outputting a predetermined announcement sound when the portable has been changed to a camera mode.” Ozaki already discloses having an image-capturing device to output a predetermined announcement sound (paragraph 0004). What it lacks is this image-capturing device is a portable terminal and capability of detecting camera mode. And Homma teaches a portable terminal having a camera and it is capability of detecting state/mode change and trigger announcement. Thus, it would have been obvious to one of ordinary skill in the art to modify the portable terminal of Homma to have pre-image-capturing warning on detecting camera mode instead of detecting incoming communication mode, for the sake of privacy protection. And it wouldn't be a 103 rejection if Homma's portable terminal does everything claimed.

Regarding claim 7, Applicant has argued that Homma fails to disclose “outputting a predetermined announcement sound when an image-capturing button has been pressed after the portable terminal has been changed to a camera mode.”

As explained above, Homma's portable terminal is capable of detecting state change and enable announcement. And Ozaki discloses that the announcement is outputted when an image-capturing button has been pressed remotely (paragraphs 0005-0009). Thus, it would have been obvious to one of ordinary skill in the art to recognize that pressing the image-capturing button is

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after changing to camera mode. Otherwise that button wouldn't be useful to capture image or trigger announcement.

Regarding claim 9, Applicant has argued that Homma fails to disclose detecting camera mode selection and Ozaki discloses only a beeping sound but not actual announcement.

As explained in claim 1 above, it is obvious to one of ordinary skill in the art to modify the portable terminal of Homma to have pre-image-capturing warning on detecting camera mode instead of detecting incoming communication mode, for the sake of privacy protection. Camera mode selection is as same as camera mode detection. The mode detection is inherency, without detecting it the portable terminal cannot even change to camera mode. But Homma also teaches the triggering of announcement in mode change (column 2 lines 46-57). And Ozaki does teach using an actual announcement instead of just a beeping sound (paragraph 0009).

Regarding claim 15, Applicant has argued that Homma fails to teach outputting a predetermined announcement sound when it has detected an image-capturing button has been pressed, after it has detected that a selecting section, which selects a camera mode for using an image capturing section, has selected the camera mode.

As explained in claims 1, 7 and 9 above, the combination of Ozaki and Homma teach every element of claim 15. And it is obvious to one of ordinary skill in the art to modify the portable terminal of Homma to have pre-image-capturing warning on detecting image capturing action instead of detecting incoming communication mode, for the sake of privacy protection.

Regarding claims 4 and 12, Applicant has argued that Homma fails to teach the announcement sound is not output while recording. Due to human error, reference was miscited.

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But Homma does suggest displaying announcement instead of outputting on speaker (column 4 lines 34-35).

Regarding claims 2 and 10, Applicant has argued that Ozaki, Homma, and Kane are not in the same technology field, which makes it not obvious to have the motivation to combine. Ozaki teaches outputting an alarm announcement. Homma also teaches outputting an alarm announcement. And Kane teaches the way of outputting an alarm. Thus, it is obvious to one of ordinary skill in the art to modify the combination of Ozaki and Homma with the way of outputting an alarm taught by Kane, in order to output an effective noticeable alarm to people nearby.

Regarding claims 6 and 14, Applicant has argued that Ozaki, Homma, and Soda are not in the same technology field, which makes it not obvious to have the motivation to combine. Ozaki teaches outputting a noticeable alarm announcement. Homma also teaches outputting a noticeable alarm announcement. And Soda teaches outputting a fixed-volume alarm to get others' attentions. Thus, it is obvious to one of ordinary skill in the art to modify the combination of Ozaki and Homma with fixed-volume alarm taught by Soda, in order to output an effective noticeable alarm to people nearby. It is logical that the alarm volume should be fixed. Otherwise, alteration would defect the purpose of having the alarm.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the parent claims of 7 and 15, Applicant claims that the announcement is outputted when the image-capturing button has been pressed. Then in claims 8 and 16, Applicant claims another announcement is outputted when the image-capturing button is partially-pressed. Thus it means the announcement is outputted twice during the duration of pressing the image-capturing button, which does not disclosed in filed Specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-4, 7-9, 11-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126).

Regarding claim 1, Ozaki teaches an announcement method for an image-capturing device, the method comprising outputting a predetermined announcement sound when trying to take a picture (abstract, paragraph 0004).

But, Ozaki fails to teach applying the method on a portable terminal.

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Homma et al. teach a portable terminal has detecting device to detect the state of its camera (column 2 lines 46-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al.

corresponding to detecting device, so that the portable terminal announces sound when the portable terminal has been changed to a camera mode, which uses the image-capturing section.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement method of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 7, Ozaki teaches an announcement method for an image-capturing device, the method comprising outputting a predetermined announcement sound when an image-capturing button has been pressed (paragraphs 0005-0009).

But, Ozaki fails to teach applying the method on camera mode of a portable terminal.

Homma et al. teach a portable terminal having a camera device and announcement device being utilized during shooting (column 2 lines 37-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the method of Ozaki into the portable terminal of Homma et al., so that the portable terminal announces sound when user is pressing button for image capturing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement method of Ozaki into the portable

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terminal of Homma et al., in order to notify surroundings for image-capturing and prevent privacy from being infringed.

Regarding claim 9, Ozaki teaches a device comprising:

- a) an image-capturing section (3 of Fig. 1);
- b) a sounding body (6 of Fig. 1); and
- b) a control section which outputs a predetermined announcement sound from the sounding body when it has been detected that imaging-capturing section being used (paragraphs 0005-0009).

But, Ozaki fails to teach the device being a portable terminal comprising a selecting section which selects a camera mode for using the image-capturing section and announcing when detecting the selecting section has selected the camera mode.

Homma et al. teach a portable terminal having an image-capturing section (2 of Fig. 1), a selecting section which selects a camera mode for using the image-capturing section (9 of Fig. 1), and a detecting device to detect the state of its camera (column 2 lines 46-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the device of Ozaki into the portable terminal of Homma et al.

corresponding to detecting device, so that the portable terminal announces sound when the portable terminal has been changed to a camera mode, which uses the image-capturing section.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement device of Ozaki into the portable

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terminal of Homma et al., in order to provide the portable terminal the function to notify surroundings for operating camera mode and prevent privacy from being infringed.

Regarding claim 15, Ozaki teaches a device comprising:

- a) an image-capturing section (3 of Fig. 1);
- b) a sounding body (6 of Fig. 1); and
- c) a control section which outputs a predetermined announcement sound from the sounding body when it has been detected that imaging-capturing button has been pressed (paragraphs 0005-0009).

But, Ozaki fails to teach the device being a portable terminal comprising a selecting section which selects a camera mode for using the image-capturing section.

Homma et al. teach a portable terminal having a camera device, a detecting device of camera mode, and announcement device being utilized during shooting (column 2 lines 37-57).

For the benefit of protecting the privacy of others, it have been obvious to one of ordinary skill in the art to incorporate the device of Ozaki into the portable terminal of Homma et al., so that the portable terminal announces sound when user is pressing button for image capturing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate camera operating announcement device of Ozaki into the portable terminal of Homma et al., in order to notify surroundings for image-capturing and prevent privacy from being infringed.

Regarding claims 3 and 11, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

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The limitation of the announcement sound is outputted from one of a speaker for announcing incoming-calls or an ear speaker would be inherently disclosed by the modified method and portable terminal of Ozaki and Homma et al. since the speaker of the portable terminal is the only available sound-outputting device.

Regarding claim 4, Ozaki and Homma et al. teach the limitation of claim 1.

Homma et al. also teach in the camera mode, the announcement sound is not output while recording an image captured by the image-capturing section (column 4 lines 34-35).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate disable announcement output while recording an image taught by Homma et al. into the method of Ozaki, in order to prevent disturbance while capturing an image.

Regarding claims 8 and 16, Ozaki and Homma et al. teach the limitations of claims 7 and 15.

Ozaki teaches further comprising the step of outputting a predetermined announcement sound prior to capturing an image when the image-capturing button is partially-pressed (Fig. 2, paragraphs 0008-0009, when cutting a shutter). And it would have been obvious to one of ordinary skill in the art to modify the announcement of Ozaki and Homma et al. as another announcement in contrast of an announcement would be outputted after taking the shot, in order to provide effective announcement twice to alarm nearby attention.

Regarding claim 12, Ozaki and Homma et al. teach the limitation of claim 9.

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Ozaki teaches further comprising a recording section which records an image input via the image-capturing section, wherein the control section judges whether the recording section is recording an image (paragraphs 0005-0009).

Homma et al. teach controlling the sounding body so as not to output the predetermined announcement sound while the recording section is recording (column 4 lines 34-35).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate disable announcement output while recording an image taught by Homma et al. into the device of Ozaki, in order to prevent disturbance while capturing an image.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Kane et al. (US Patent#5726627).

Regarding claim 2 and 10, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

But, Ozaki and Homma et al. fail to teach further comprising a timing section which measure time, wherein the timing section outputs a signal each time a fixed period of time elapses after it was detected that the selection section has selected the camera mode, and wherein the control section causes the sounding body to output the predetermined announcement sound whenever the signal is output from the timing section.

Kane et al. teach an alarm system outputs alarm each time a fixed period of time has elapsed after an alarm event is detected and the timing section keeps output signal to alarm periodically unless the alarm event is corrected (column 3 lines 13-26).

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It would have been obvious to one of ordinary skill in the art to recognize that alarm for preventing taking privacy infringing image does not just sound once to get others' attention, which makes incorporating periodic alarm into the modified method and device of Ozaki and Homma et al. to be obvious.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate timing section to periodically output signal to alarm after alarm event detected taught by Kane et al. into the modified method and device of Ozaki and Homma et al., in order to catch others' attention and prevent privacy from being infringed.

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Chen (US Patent#5530432).

Regarding claims 5 and 13, Ozaki and Homma et al. teach the limitations of claims 1 and 9.

But, Ozaki and Homma et al. fail to teach the announcement sound is output only in a case where the luminance around the portable terminal is less than a predetermined brightness.

Chen teaches an alarm device output sound in a case where the luminance around it is less than a predetermined brightness (column 1 lines 6-11).

For the benefit of enhancing detection of privacy infringing situation such as hidden-cam scenario where camera is hidden to take privacy infringed images, it would have been obvious to one of ordinary skill in the art to incorporate luminous intensity measuring means into the modified device of Ozaki and Homma et al., in order to output announcement in possible privacy infringing situation where luminous intensity is lower than usual.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate luminous intensity measuring means in an alarm device taught by Chen into the modified method and device of Ozaki and Homma et al., in order to detect hidden-cam scenario and alarm to prevent privacy from being infringed.

6. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozaki (JP10-031265) in view of Homma et al. (US Patent#6950126) and Soda et al. (US Patent#5806621).

Regarding claims 6 and 14, Ozaki and Homma et al. teach the limitations of claims 1 and 9. But, Ozaki and Homma et al. fail to teach the control section restricts the output level of the predetermined announcement sound to a fixed output level.

Soda et al. teach a warning sound from a device being restricted in both volume and tone quality (column 1 lines 36-38).

As for a sound warning system, it have been obvious to one of ordinary skill in the art to modify the announcement sound volume of Ozaki and Homma et al into a fixed sound volume, in order to avoid dividing user's attention when the user is focusing to capture image.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate restricting announcement sound to a fixed level taught by Soda et al. into the modified method and device of Ozaki and Homma et al., in order to avoid dividing user's attention from capturing image.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhiyu Lu whose telephone number is (571) 272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vuong Quochien can be reached on (571) 272-7902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
August 19, 2006



 8/25/06
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PRIMARY EXAMINER